

MINUTE.

The Honorable John Upshur Dennis, who died shortly after six o'clock in the evening of Tuesday September 12th, 1916, at the home of his son in Guilford, Baltimore County, was from 1887 to 1908, a period of more than twenty one years a Judge of the Supreme Bench of Baltimore City, respected, honored and beloved. He was first appointed to the Bench by Governor Henry Lloyd when Judge William A. Fisher resigned in January 1887, to serve, in accordance with constitutional provisions, until a successor should be chosen at the election in the Fall of that year for members of the next General Assembly. Having been unanimously nominated by the Democratic party to succeed himself, and endorsed by both the Republican Party and the Independants, he was elected on November 1887 for the term of 15 years. The record which he made was such, that at the expiration of this term upon a petition signed by every member of the bar of Baltimore with the exception of two, he was on November 8th, 1902, appointed by Governor John Walter Smith to fill the vacancy created by the expiration of his own term of service, until the next election for members of the General Assembly, and being again unanimously nominated by the Democratic party and again unopposed by the Republican party, he was on November 3rd, 1903, re-elected for another term of 15 years. Few Judges have enjoyed so fully the confidence and regard of his fellow citizens without regard to party. Judge Dennis did not complete the second term for which he was chosen. He was retired along with the late Judge Charles E. Phelps, by Act of Assembly in 1908 on account of physical disabilities; but such was the public esteem in which both of these jurists were held that the Legislature in retiring them, provided for the payment of their full salaries until the expiration of the several terms for which they had been chosen.

Judge John Upshur Dennis came of a family that has since colonial times been prominent in the politics and public life of this State. His earliest ancestor in this country was John Dennis who sailed from Gravesend England in July 1638 and settled in Accomack County, Virginia. Donnock Dennis, the son of John



Dennis located in Somerset County in 1664 and was high sheriff (an office at the time, of high rank and dignity) of Somerset County, which then embraced the district at present comprising Somerset, Worcester and Wicomico Counties. In the direct line of descent from Donnock Dennis to Judge Dennis we find, John Dennis for many years one of the Judges of the Provincial Court, Littleton Dennis, a prominent lawyer and large landowner in Somerset and Worcester Counties, Littleton Dennis, the younger, a Presidential Elector at five elections and a Judge of the Maryland Court of Appeals from 1801 to 1806, John Upshur Dennis the grandfather of Judge Dennis and for whom he was named, also a large landowner and a man of remarkable personality, who was the father of twenty one children, many of whom were distinguished in public life, and one of whom Dr. George R. Dennis, the father of Judge Dennis was not only a prominent physician in Somerset County for many years, but was influential in State and National politics, being a member of the House of Delegates in 1867, a member of the State Senate in 1854 and 1870 and a United States Senator from 1873 to 1879. Judge Dennis' collateral relatives, as well as his relatives on his mother's side, were equally prominent, and it is possibly due to the extent to which his forbears had touched the life of the State and Nation that Judge Dennis always took such a deep interest in public matters and maintained such an accurate knowledge of the conspicuous men who were prominent as Judges, Statesmen or Law Makers. Certainly his recollection of such men and his acquaintance with incidents in their careers was extraordinary. Judge Dennis was born on his father's plantation, Kingston, Somerset County, Maryland, on June 14th, 1846. He was a student at Washington Academy in Somerset County from 1858 to 1862 and entered the sophomore class of Princeton in 1863, being graduated from that institution two years later. In 1866 - 1867 he studied law in the University of Virginia and continued the study for one year at Norfolk, Virginia, under the preceptorship of Judge George P. Scarborough, formerly professor of law at William and Mary College and Judge of the U. S. Court of Claims. He spent the following year in the office of his uncle James Upshur Dennis in Princess Anne, Somerset County, Maryland, and he was admitted to the bar in January 1868 at the first court



ever held in Wicomico County. He practiced law for four months at Frederick, Maryland, after which he moved to Baltimore City and formed a partnership with John Scott, who had been his classmate at the University of Virginia, and this association continued for ten years. He engaged in the active practice of his profession until January 4th, 1887, when he was commissioned as Associate Judge of the Supreme Bench of Baltimore City. At the bar he was known as a sound lawyer and safe counselor; and his course upon the Bench was marked by conspicuous ability, unflinching integrity and unswerving impartiality. His quickness of apprehension and his capacity to seize upon the controlling points of a case were remarkable. His mind traveled rapidly and accurately to conclusions, and his judgements were rarely disturbed in the Appellate Court. The humblest suitor and the most powerful defendant, the most distinguished member of the bar and the youngest graduate of the Law School, stood in his presence equal before the law. It has been well said of him that "he was a favorite of everybody off the bench, but on it he knew no favorites and permitted none in his jurisdiction." It was his promptness in disposing of business, his approachability, his quick apprehension, his sense of humor, his strict impartiality that made him one of the most popular Judges of his time.

Judge Dennis presided in all the Courts of Baltimore, Criminal, Common law and Equity, but the larger part of his time was spent in the Equity Courts and his ability as a Chancellor was pre-eminent. He had strong common sense, a wide knowledge of human nature, an innate sense of justice, and was thoroughly versed in the principles of Equity Jurisprudence and Procedure, and applied his wide knowledge and rich experience to the cases before him, with apt skill and great success. Few men have had more warm personal friends than Judge Dennis, or a more varied or extensive acquaintance. He was a delightful companion and charming conversationalist. He had a keen appreciation of wit and humor. His mind was stored with interesting information of a wide and diversified character and with entertaining stories about well known men and events. He read the best literature in poetry and prose, and when the



occasion suited, he could re-produce by the power of an unusual memory, the thoughts and often the very language of classic authors. He himself wrote with grace and singular purity of diction and with a notable discrimination in the use of words. He was fond of nature and the open air and was an ardent follower of the sports of hunting and fishing, and he had a familiar as well as a scientific knowledge of the haunts and habits of game and fish. He loved, and was loved of, children, friends and relatives, and he was always a welcome and honored guest in the homes that he visited. He spent much of his leisure time at the old Athenaeum Club, where he was accustomed to meet many of the most prominent and interesting men of the day, and here on the evening of February 9th, 1906, while he was in the plenitude of his powers, at the height of his fame and usefulness as a Judge and one of the best known and most beloved citizens of the State, he suffered a serious stroke of paralysis which removed him from all the active pursuits of life and rendered him an invalid for the remainder of his days. He recovered from this stroke after a time sufficiently to regain the use of his mental faculties and to be able to receive his friends and to find some solace for his unhappy situation in reading the books of which he was fond, but a second stroke of paralysis in December 1912 deprived him almost entirely of even these few pleasures, and the following years, were years of pathetic existence, from which the stroke which lately caused his death, brought release. To many who have become members of the bar in the past ten years, Judge Dennis was known only by tradition, some who practiced before him had almost forgotten that he was still alive, but there are numbers who recall him with admiration and affection and who feel that the memory of this versatile and gifted man, this able, just and impartial judge should be preserved and that the records of this Court, of which he was so long a distinguished member, should contain some perpetual testimonial of the love and respect entertained for him by his professional brethren and in behalf of these, we respectfully ask that this minute may be received and given a place among the proceedings of the Court.

*Henry D. Hartman* *W. L. H. H. H.* *Joseph C. France*  
*Fielder C. H. H. H.* *Charles S. H. H.* *Albert Ritchie*  
*Joseph H. H. H.* *James S. H. H.* *Randolph H. H.*



The meorial which you have filed in honor of Judge Dennis is replete with interest. The history of his family is co-extensive with the history of Maryland, ~~xxx~~ so that even in this brief narrative it will constitute a valuable and unusual addition to the records of the Court.

We are familiar with the fact that nowhere else in the State as ~~at~~ on the Eastern Shore do we find so large a part of the people almost untouched by immigration who trace their beginnings to the original settlers of the country., and perhaps in the unbroken traditionand habit of a race accustomed to public affairs we find an explanation of the great part which the families of the Eastern Shore have played in the government of Maryland.



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It is clear that the men of the Dennis family have had a distinguished part in the affairs of their section of the State and indeed of the State at large. When we have told off the long list of them, who have been prominent lawyers, officials, statesmen and judges, we can account without difficulty or surmise for the qualities which characterized our Judge Dennis and made him so notable a figure upon our local bench. He brought with him to Baltimore all the traditions of a famous line. He had had the advantages of a leading college, and he had received a legal training at the University of Virginia from those celebrated teachers of law, whom some of the older members of our bar still love to quote with veneration and affection.

His reception as a judge by the people of the city without opposition or contest is almost, if not quite, without parallel. This circumstance in his history is worthy of the emphasis which you have given it; for it reflects credit not only upon him, but ~~also~~ also upon the community. The insistence of the people of Baltimore upon freedom from partisanship in relation to its judiciary is now an axiom. It <sup>found</sup> ~~find~~ solid expression whilst men still clung with almost bitter and <sup>reasoning</sup> ~~unswerving~~ tenacity to the political faith of their fathers. When Judge Dennis came to the Bench he succeeded a judge who had served with utmost satisfaction a critical and observant people. It was then but five years since the electorate in the new judge movement of 1882 had set a high standard of judicial excellence, and the memories of ~~that~~ <sup>the</sup> great contest <sup>with</sup> ~~are~~ still fresh. It was well known that Judge Dennis had sprung from active partisans of the dominant party. But so well established was his character and so well known was the <sup>firm</sup> ~~firmness~~ of his judicial temper, that even before there had been sufficient time to prove his fitness for the bench, all parties, Democratic, Republican and independent united to make him judge. And again at the end of fifteen years of service when his every judicial quality and attribute was known, he was chosen



without opposition. These historic facts are his sufficient encomium and epitaph. They point the truth, they furnish the incontrovertible corroboration of every word of praise and respect which you have so eloquently and affectionately spoken.

Therefore it is the order of the Court that the memorial be received, and that it be spread upon the records of the Court as a permanent testimonial of the services of a distinguished judge.



The following Communication was received from  
Mr. D. K. Este Fisher.

September 22nd, 16,

Chester, N.S.

Hon. Morris A. Soper

Chief Judge of the Supreme Bench of Baltimore City Court House :

Unable to be present at the memorial meeting of the Bench and Bar to be held today to honor the memory of Judge Dennis I deeply sympathize with all the ~~tributes~~ tributes which may be paid to his memory on that occasion. *My* acquaintance with him began shortly before his elevation to the bench and I recall how the charm of his personality his common sense and learning his sparkling and the brilliancy force and fairness commanded the ~~the~~ recognition which resulted in his elevation to the bench. These characteristics and many others endeared him to his brothers of the bar and the recollection of them will ever be affectionately cherished by all who had the good fortune to know him or practice in his court

D K Este Fisher.



~~JOSEPH C. FRANCE~~  
~~J. PEMBROKE THOM~~

LAW OFFICES  
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BALTIMORE

*Mr. Joseph C. France*

When a man drops out of the ranks, the progress from memory to tradition, from tradition to oblivion is ordinarily swift; but the case of Judge Dennis was different.

He had been out of the sight of most of us for a long time; his intellectual sun had gone down in darkness; the end was a welcome release, - yet to us of what is getting to be the elder generation, his death seemed an event rather than merely a bit of news. Those qualities which produced such an impression deserve telling and they have been well stated in the memorial which has been read. In the first place Judge Dennis was a man's man. This does not mean a perfect man, but it accounts largely for the result.

In the next place he had, in a remarkable degree, the judicial instinct. By a sort of intuition, which took the place of application and which was nearly always sound, - he could get at the very heart of a controversy while the lawyers were beating the air. And finally, he cherished the high ideals of his profession. Very human; very sympathetic with weaknesses and mistakes whether of lawyers or of litigants, - he was nevertheless very formidable to tricksters and knaves.

This was the man as I knew him, and to the memory of such a man our tribute is fittingly paid.

Sept. 22nd, 1916.

Mr. Wm L. Marbury

~~Notes of Address of William L.  
Marbury at Meeting of Supreme  
Bench in Memoriam of Judge Dennis.~~

I shall have a feeling of something like disloyalty to the memory of Judge Upshur Dennis did I not avail myself of the opportunity now offered to add a personal word.

In addition to possessing in full measure the high intellectual gifts and personal qualities so well set forth in the memorial submitted by the Committee, he was par excellence an interesting man.

I have always thought that Judge Dennis and the late Major Richard Venable possessed the quality of interestingness in a greater degree than any men I have ever known.

It is Carlyle who says, I think -

"Of the eyes that men do glare withall,  
how few can see".

Upshur Dennis had the seeing eye. That is to say, he had the capacity to see what was worth seeing in everything which he read or which in any way came under his observation.

Comment has been made upon his marvelous powers of memory, but the wonder was <sup>not</sup> that he remembered so much but that he remembered so little that was not worth remembering. The consequence was that he was the most delightful of companions and added to the happiness of every man with whom he came in contact.



*Ex-Judge Alfred S. Miles*

MAY IT PLEASE YOUR HONORS:

Appointed twice by the Governor of Maryland, a member of the Supreme Bench of Baltimore City; elected twice to the same office by the people of Baltimore without opposition from either of the two great political parties; and, after illness prevented his further usefulness on the Bench, awarded by special Act of the Legislature the full judicial salary so long as he lived, Judge John Upshur Dennis was during his life the subject of marked, peculiar, and perhaps unique honor from the State of his birth and from the city where he lived.

The reasons for his hold upon the confidence and affectionate pride of this community are apparent to all who knew him.

Few men have had the intellectual brilliancy, the legal insight, the personal charm in friendly intercourse and the absolute impartiality and fearlessness which distinguished Judge Dennis.

The minute just read, truly pictures the man and shows the reason why we are here to-day to add our tribute, after his death, to the memory of one who was so exceptionally honored in his life.

I esteem it a privilege to second the suggestion that the minute be received and recorded among the records of this Court.

Mr. Joseph Packard

Shortly after I came to this Bar I made the acquaintance of John Upshur Dennis and ever since I have, in the strict sense of the word, enjoyed his friendship, for he was a delightful companion. We both belonged to a coterie of lawyers of about the same standing at the Bar who, having leisure--more than we in fact, desired--spent much time in following, singly or in couples, the leaders of the Bar from Court to Court, watching their methods and comparing our views of the law questions and practice thus developed. Reverdy Johnson, William Schley, I. Nevett Steele and S. Teackle Wallis were then at the height of their fame and it was a privilege and an education to behold them in action. In later years Judge Dennis conferred a benefit upon the profession by giving to the State Bar Association a singularly discriminating characterization of those great men.

Of this knot of lawyers who thus saw each other from day to day few now survive. Scott, Wilmer, Baer, Venable, Mackall, E. J. D. Cross and others have passed away and now Dennis has gone.

All his early associates recognized in Dennis a strong clear intellect deeply imbued with the principles of the law. He was not forced to make a precarious provision for his daily professional needs by casual and sporadic researches among the digests. Somehow, and at sometime, he had mastered the fundamentals and the application of these to legal questions by his acute and logical mind was automatic.

It was hard indeed to understand how he had time to acquire so much legal knowledge since he knew well so many other things. General history, State and local history, political history, and the personal and gossipy details relating to them all; poetry and letters; the chronicles of sports; all these he had at his fingers' ends. As illustrating this, I may mention that when he was employed by the



Baltimore and Ohio Railroad to acquire the rights of way for its extension in the Valley of Virginia, he came across one landholder who obstinately refused to negotiate so that the delay incident to condemnation proceedings seemed imminent. Noticing that the gentleman was riding a fine thoroughbred, Dennis began to discourse to him on the feats and the pedigrees of Diomed and Sir Archie and other famous horses of the past, with the result that this meeting of kindred tastes brought about a prompt settlement.

At a comparatively early age he went upon the Bench, the first suggestion of his name for the place coming, as I remember, from John K. Cowen. His career there well fulfilled his early promise. He was fair, courteous, impartial, intrepid; swift to grasp the essential points; swift also, and almost unerring, in his decisions.

More than ten years ago, when he was in the height of his useful service to the State, he was stricken with the lingering disease which only last week gave him release. To one who like him loved the open air and its sports, who, in his times of recreation, turned to the rod and the gun for the renewal of energy, the inability to move about freely, must have been inexpressibly trying. Yet he still maintained his keen interest in books and in people and sought more than ever the society of his friends which they gave him with much pleasure and profit to themselves. During his long years of weariness and lassitude, they bore him in their hearts, as they will ever do, with affection and sympathy. They grieved that a life which, at its zenith, was so full of vigor and brightness should be clouded in its decline. But they trust that — to paraphrase some lines from a fine old poem — Life, which in clouds and darkness said him Good Night, will "in some brighter clime bid him Good Morning".

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MEMORIAL SERVICES FOR  
JUDGE DENNIS.

Sept. 22" 1916.

Memorial Meeting of Supreme Bench of  
Baltimore City for Judge Dennis.

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September 22, 1916.

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Remarks of Albert C. Ritchie, Attorney General.

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May it Please the Court:

So much that is fine and eloquent has been said of Judge Dennis by the distinguished gentlemen who have spoken, that I can hope to add only a simple tribute.

Rarely do we see one move into the stillness of the long night who so closely linked the present with the past. In the midst still of so many who knew the sound of his voice, the touch of his hand, the magnetism of his presence, he was yet one whose work was done and whose life was lived largely among that splendid generation of Maryland men whose ranks are now so depleted and so thin.

This <sup>er</sup>pective of him makes us see that the passage of time, and the telling over again of the life of one who is gone, are not always needed to intensify the halo with which the past surrounds her honored children, but that that halo may be all deserved, and its brightness may be the brightness of the truth.

It is through such a halo of truth that we see him to-day, as he moved among us in the years gone by, but with our attention to his splendid abilities for the moment dimmed,- not for lack of their pre-eminence, but because it is



the tender grace of character which in life and death draws men closest to our hearts.

Safe in the hallowed quiet of the past, we see him now, not so much as the judge and lawyer, but rather as he would love best to have us see him,- his manners of the gentlest courtesy; his mind a chosen library through which the authors of other years spoke to us; his courage and his patience fashioned from the mold whence strong men come; his heart quick with the sympathy which all mankind needs <sup>which</sup> and the generous ~~man~~ give; a man who

"Bore without abuse

"The grand old name of gentleman".